

PATENT
Application Serial No. 10/016,078
Docket No. 01-5001

REMARKS

This amendment is responsive to the Office Action¹ dated May 27, 2005. Claims 1-28 were submitted for examination. Claims 1-19, 21-23, 25 and 27-28 were rejected. Claims 20, 24 and 26 were objected to but would be allowable if rewritten in independent form including all of the limitations of its respective base claim and any intervening claims. Claims 1, 3, 10, 12, 16-18, 21 and 25-28 are amended. Claims 9, 11, 15, 19-20 and 23-24 are canceled without prejudice or disclaimer. New claim 29 has been added. Claims 1, 12, 21, 27, 28 and 29 are independent claims. Claims 1-8, 10, 12-14, 16-18, 21-22 and 25-29 are pending.

Claims 1-19, 21-23, 25, 27 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano et al. (U.S. 2001/0004736A1, hereinafter "Hirano") in view of Rhoades (U.S. 5,822,436, hereinafter "Rhoades"). This rejection is respectfully traversed for the following reasons.

The Examiner has determined allowable subject matter (Office Action, pages 9-10). Accordingly, solely to advance the prosecution of this application, and without acquiescing in the rejection, Applicant has amended its claims to incorporate the allowable subject matter into each pending claim as follows.

Rather than rewrite claim 20 in independent form including all of the limitations of the base claim and any intervening claims, Applicant makes the equivalent amendment by incorporating the limitations of allowable claim 20 along with intervening claims 19 and 15 into

¹ The Office Action may contain a number of statements characterizing the cited references and/or the claims which Applicants may not expressly identify herein. Regardless of whether or not any such statement is identified herein, Applicants do not automatically subscribe to, or acquiesce in, any such statement.

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amended independent claim 12. It is respectfully submitted that claim 12 is now allowable for reasons given in the Office Action, pages 9-10. Claims 13-14 and 16-18 are dependent from claim 12 and are allowable, at least for reasons based on their dependency from an allowable base claim.

Rather than rewrite claim 21 in independent form including all of the limitations of the base claim and any intervening claims, Applicant makes the equivalent amendment by incorporating the limitations of allowable claim 24 along with intervening claim 23 into amended independent claim 21. It is respectfully submitted that claim 21 is now allowable for reasons given in the Office Action, pages 9-10. Claims 22 and 25-26 are dependent from claim 21 and are allowable, at least for reasons based on their dependency from an allowable base claim.

Independent claim 1 has been amended to provide additional detail with respect to its embedding step. The “seeding a random number generator...” step is the equivalent of claim 9. The “embedding the encrypted message at locations in the file....” step is the equivalent of claim 19. And, the “embedding the encrypted message at sequential unused locations....” step is the equivalent of allowable claim 20. Accordingly, claim 1 is allowable for reasons given in the Office Action, pages 9-10. Claims 1-8 and 10 are dependent from claim 1 and are allowable, at least for reasons based on their dependency from an allowable base claim.

Independent claim 27 has been amended to include the equivalent of relevant detail of claim 23 and allowable claim 26. Accordingly claim 27 is allowable for reasons given in the Office Action, pages 9-10.

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Independent claim 28 has been amended to include the equivalent of relevant detail of claims 9, 19 and allowable claim 20, in a manner similar to the amendment to claim 1 above. Accordingly, claim 28 is allowable for reasons given in the Office Action, pages 9-10.

New independent claim 29 is a method claim which is comprised of the equivalent of claim 21 before its current amendment along with limitations equivalent to claim 23 and allowable claim 26. Thus claim 29 is allowable for reasons given in the Office Action, pages 9-10. Independent claim 29 differs from independent claim 21 at least on the basis of allowable subject matter of claim 26 included in claim 29 versus allowable subject matter of claim 24 included in claim 21.

In view of the above, it is respectfully submitted that the rejection of all pending claims should be withdrawn and that all pending claims are allowable.

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CONCLUSION

Applicant respectfully requests reconsideration of this application and allowance of the pending claims. Applicant does not acquiesce in the rejection and expressly reserves its rights to file a continuation application during pendency of the instant application to pursue claim breadth consistent with its originally-filed claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2347 and please credit any excess fees to such deposit account. Early passage to issue is earnestly solicited.

Respectfully submitted,

Verizon Corporate Services Group Inc.

By: 
Joel Wall
Reg. No. 25,648

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C/o Christian R. Andersen
Verizon Corporate Services Group Inc.
600 Hidden Ridge, HQE03H14
Irving, Texas 75038
(972) 718-4800

Customer No. 32127